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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,
10 Plaintiff,

11 v.

12 Donivan John Hale,
13 Brian Tackett,

14 Defendant.
15

CR 22-00462-TUC-JGZ (LAB)

**ORDER
CONTINUING PLEA DEADLINE
AND TRIAL**

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17 This case is presently set for trial on August 9, 2022. The Defendant filed a
18 motion to continue and, for the reasons set forth therein, additional time is required to
19 adequately prepare for trial. The Government and Co-Defendants have no objection to a
20 continuance.

21 The Court finds that the ends of justice served by continuing this case outweigh the
22 best interests of the public and the defendants in a speedy trial.

23 **IT IS ORDERED** as follows:

24 1. The date by which the referred magistrate judge hears the change of plea must
25 be no later than August 26, 2022, by 3:00 p.m.

26 2. All motions, unless made during a hearing or trial, shall be in writing and shall
27 be made sufficiently in advance of trial to comply with the time periods set forth in
28 LR Civ. 7.2 and any court order and to avoid any delays in the trial. Pretrial motions may

1 be heard before a magistrate judge and a Report and Recommendation will be provided to
2 the district judge assigned to the case.

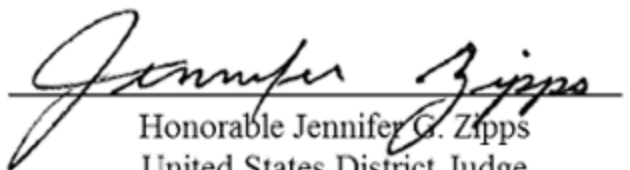
3 3. This matter is RESET for trial on **September 13, 2022, at 9:30 a.m. Counsel**
4 **are to be present at 9:00 a.m.**

5 4. Excludable delay under 18 U.S.C. §3161(h)(7) is found to commence on
6 August 10, 2022, and end on September 13, 2022. Such time shall be in addition to other
7 excludable time under the Speedy Trial Act and shall commence as of the day following
8 the day that would otherwise be the last day for commencement of trial.

9 5. Any and all subpoenas previously issued shall remain in full force and
10 effect through the new trial date.

11 6. **Any motion or stipulation to continue the scheduled trial date and change**
12 **of plea deadline shall be filed with the Clerk of Court no later than 5:00 p.m.,**
13 **Monday, August 29, 2022. Alternatively, by that same deadline, if after consultation**
14 **between government and defense counsel it is determined that a motion to continue**
15 **the scheduled trial date and change of plea deadline will not be filed, government**
16 **counsel shall notify the Court by an email to the chambers email address that the**
17 **case and counsel are ready to proceed to trial on the scheduled trial date. The**
18 **notification shall also include the estimated number of trial days needed to complete**
19 **the trial.**

20 Dated this 25th day of July, 2022.

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24 Honorable Jennifer G. Zipps
25 United States District Judge
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